

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
MAY 10, 2022**

ITEM 7

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION REVISING AND RE-ADOPTING
A DROUGHT EMERGENCY REGULATION FOR THE RUSSIAN RIVER WATERSHED

DISCUSSION

On April 21, 2021, Governor Newsom declared a [regional drought emergency](#) for the Russian River watershed (declaration) due to the acutely dry conditions within Mendocino and Sonoma Counties. The declaration directed the State Water Resources Control Board (State Water Board) to consider adoption of emergency regulations “to curtail water diversions when water is not available at water right holders’ priority of right or to protect releases of stored water.” The directive also suspended Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division in Mendocino and Sonoma Counties to the extent necessary to address the impacts of drought in the Russian River watershed. The drought conditions described in the April 21, 2021 declaration persist this year.

Where the Governor has declared a state of emergency due to drought conditions, Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations to “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”

On June 15, 2021, the State Water Board adopted an emergency regulation allowing the State Water Board to determine when water was unavailable for diversion and use and authorizing the issuance of curtailment orders to protect water supplies. After a year of continued drought conditions, the State Water Board is considering readoption of the emergency regulation to curtail unauthorized water diversions in the Russian River watershed. The Division of Water Rights (Division) is proposing changes to the existing emergency regulation that clarify requirements, refine analyses, and address stakeholder feedback received over the past year. The revised emergency regulation will include a refined water availability methodology that incorporates the use of the Water Rights Allocation Tool for the entire watershed. This methodology will allow the Division to determine when flows are present for diversion and to what extent diversions must cease to protect storage releases. The emergency regulation also establishes conditions under which the Deputy Director for the Division of Water Rights may require curtailments to protect flow augmentations intended for the protection of specific runs of

federal- and state-listed anadromous fish in four tributaries in the Lower Russian River watershed. The revised emergency regulation would provide the opportunity for a voluntary water sharing program that would function as an alternative to ceasing diversions due to curtailments. Additional revisions include administrative improvements and updated definitions and exceptions.

POLICY ISSUE

Should the State Water Board adopt the proposed resolution authorizing revision and re-adoption of the emergency regulation?

FISCAL IMPACT

This activity is budgeted within existing resources and no additional fiscal demands will occur as a result of approving this item.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Approve resolution to revise and readopt emergency regulation.